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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

8 ROCHELLE Y. GRAY, No. C-12-2000 EMC  
9 Plaintiff,  
10 v.  
11 ERIC K. SHINESEKI,  
12 Defendant.

**ORDER RE REPORT  
RECOMMENDATION  
AND ORDER TO SHOW CAUSE**  
**(Docket No. 11)**

**ORDER RE REPORT AND  
RECOMMENDATION TO DISMISS;  
AND ORDER TO SHOW CAUSE**

15       Currently pending before the Court is Judge Corley’s report and recommendation to dismiss  
16 the above-referenced case for failure to prosecute. *See* Docket No. 11. While the Court agrees with  
17 Judge Corley that there is a sound basis for dismissal based on a failure to prosecute, the Court shall  
18 nevertheless give Plaintiff one final opportunity to show cause as to why this case should not be  
19 dismissed for failure to prosecute. The Court gives Plaintiff this final opportunity because the report  
20 and recommendation did not expressly provide a date by which Plaintiff should object to the report  
21 and recommendation. Furthermore, Plaintiff recently filed a letter with the Court asking for a  
22 continuance of a hearing. *See* Docket No. 15. While there is no hearing set in this case (and  
23 therefore Plaintiff’s request is moot), the letter suggests that Plaintiff might have an intent to proceed  
24 with this litigation.

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1       Accordingly, the Court hereby orders Plaintiff to show cause as to why this case should not  
2 be dismissed for failure to prosecute. Plaintiff's response shall be filed no later than three weeks  
3 from the date of this order. **Plaintiff is forewarned if no response is received by this date, then**  
4 **the Court shall dismiss the case and order the file in the case to be closed.**

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6       IT IS SO ORDERED.  
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8 Dated: November 15, 2012  
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10 EDWARD M. CHEN  
11 United States District Judge  
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